

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN ZIELINSKI,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	NO. 09-2812
	:	
CITY OF EASTON, OFFICER	:	
THOMAS MIGLIORE, and	:	
SGT. STEPHEN HOMOKI,	:	
Defendants	:	

ORDER

AND NOW, this 24th day of September, 2009, upon consideration of Defendants Motion to Dismiss (Document #3), and plaintiff's response thereto, it is hereby **ORDERED** that:

1. The Motion to Dismiss (Document #3) is **GRANTED**;
2. The federal constitution claims contained in Plaintiff's complaint are **DISMISSED WITH PREJUDICE**.¹
3. I decline to exercise jurisdiction over the state constitutional claims and dismiss them without prejudice to Plaintiff pursuing the state claims in state court.
4. This case shall be closed for all purposes.

BY THE COURT:

/s/ LAWRENCE F. STENGEL

LAWRENCE F. STENGEL, J.

¹ The plaintiff has failed to state a claim under Fed. R. Civ. P. 12(b)(6). See Imbler v. Pachtman, 424 U.S. 409, 424-30 (1976).